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Attorney for Defendant
One Nevada Credit Union

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JOSEPH J. SMITH,

Plaintiff,

vs.

ONE NEVADA CREDIT UNION,

Defendant.

Case No.: 2:16-cv-02156-GMN-NJK

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION
FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD**

ONE NEVADA CREDIT UNION ("Defendant" or "ONCU"), by and through its counsel of record, hereby files Defendant's Response to Plaintiff's Motion Attorneys' Fees, Costs, and Incentive Award.

1. Defendant, while not agreeing with every point in the Motion for Attorneys' Fees, Costs, and Incentive award, does not oppose the request for fees, costs, and incentive award.¹

¹ Defendant, for example, continues to deny liability and disagrees with any suggestion of unlawful conduct. That being said, Defendant concurs that a settlement was reached; that the settlement was non-collusive and the by-product of arms' length negotiations; that the parties disputed the strength of plaintiff's claims and whether the claims were suitable for class action treatment; that further litigation would be extensive and complex and would cause the parties to incur significant risks and expenses; that the amount offered will fairly and adequately

1 2. This Response (non-opposition) is being filed separately as opposed to a joint
2 motion for fees, costs, and interim award.

3 3. Defendant is filing a separate document as not to concede to every factual
4 statement and/or allegation contained in the Plaintiff's Motion.

5 DATED this 9th day of January, 2019.

6 **SANTORO WHITMIRE**

7
8 /s/ James E. Whitmire

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compensate class members; that this is a reasonable settlement; and, that certification of the
28 settlement class is appropriate.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 9th day of January, 2019 and pursuant to Fed. R. Civ. P. 5(b), a true and correct copy of the foregoing **DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD** was electronically filed with the Clerk of the Court by using ECF service which provide copies to all counsel of record registered to receive ECF notification in this case to wit:

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/s/ Asmeen Olila-Stoilov

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